

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10294-GAO
)	
DWIGHT COLE)	

AGREED MOTION TO CONTINUE HEARING

Defendant Dwight Cole, by his counsel, respectfully moves to continue the status conference in this matter, now scheduled for July 27, 2006. Mr. Cole is currently in a rehabilitation hospital, the Braintree Landing Rehabilitation Center at 95 Commercial Street in Braintree, MA, having transferred there on July 15, 2006 from the Carney Hospital. His current treatment is part of long-term care for the after-effects of a stroke as well as for an open wound on his hip and buttocks (which, despite several attempts at treatment, remains unhealed). Undersigned counsel seeks additional time to discuss with the government the advisability of proceeding with this prosecution in view of Mr. Cole's long-standing and crippling ailments.

Defendant asks that this matter be set for conference in mid-September and moves that the time from the court conference

in this matter, on November 21, 2005, to the next scheduled hearing in this matter be excluded in the interests of justice.

The government, by Assistant United States Attorney Christopher Bator, agrees with this request.

DWIGHT COLE
By his attorney,

/s/ Charles P. McGinty

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July 25, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 25, 2006.

/s/ Charles McGinty
Charles McGinty